

Puget Sound Salmon Recovery Council
January 27, 2011, 10:00 – 2:30 | Tukwila Community Center

DRAFT Meeting Summary

Meeting Attendees

Recovery Council Members and Alternates

Elizabeth Babcock
Bill Blake
Scott Brewer
Alan Chapman
Scott Chitwood
Don Davidson
Jeanette Dorner
Hilary Franz
Dave Herrera
Debby Hyde
Randy Kinley
Sara LaBorde
Chris Luerkens
Joan McGilton
Bob Myhr
Doug Osterman
Kathy Peters
Scott Powell
Sandra Romero
Barbara Rosenkotter
Shirley Solomon
David Troutt
Tim Walls
Jacques White
Jean White
Terry Wright

Observers and Guests

Dan Berentson
joan burlingame
Margen Carlson
Amy Hatch-Winecka
G.I. James
Sandy Kilroy
Kirk Lakey
Kathy Minsch
Lloyd Moody
Peter Skowlund
David St. John

Representing

NOAA-NMFS
Stillaguamish Watershed
Hood Canal Coordinating Council
Lummi Natural Resources
Dungeness/Elwa Watershed
Lake Washington/Cedar/Sammamish Watershed
Nisqually Watershed
Washington Environmental Council
Skokomish Tribe
Puyallup-White/Chambers-Clover Watershed
Lummi Nation
WDFW
Island Watershed
Green-Duwamish Watershed
San Juan Watershed
WRIA 9 Forum
West Sound Watersheds
Snohomish Watershed
South Sound Watersheds
San Juan Watershed
Skagit Watershed
Nisqually Tribe
Snohomish Watershed
Long Live the Kings
WRIA 8
Northwest Indian Fisheries Commission

Representing

Skagit County
Backcountry Horseman
WDFW
WRIA 14
Lummi Nation
King County
WDFW
Seattle Public Utilities
Governor's Salmon Recovery Office
Ecology
Puget Sound Partnership

Staff

John Cambalik
John Meyer
Jason Mulvihill-Kuntz
Rebecca Ponzio
Joe Ryan
Morgan Schneider
Scott Williamson
Laura Blackmore
Laila Parker

Representing

Puget Sound Partnership
Puget Sound Partnership
Puget Sound Partnership
Puget Sound Partnership
Puget Sound Partnership
Puget Sound Partnership
Puget Sound Partnership
Blackmore Consulting
Cascadia Consulting Group

Welcome and Review Meeting Summary

Joe Ryan welcomed Council members, guests, and staff, and asked everyone to introduce themselves. Laura Blackmore reviewed the agenda. The September 23, 2010 meeting summary was accepted with no changes.

Habitat Protection: Floodplains Update

David St. John gave an update on the Puget Sound Partnership's floodplain work, specifically with respect to the U.S. Army Corps of Engineers' decision-making process regarding levee vegetation and NOAA-National Marine Fisheries Service's (NMFS) Biological Opinion (BiOp) on FEMA's National Flood Insurance Program (NFIP). He noted that the Leadership Council recently resolved that bigger issues regarding floodplain management should also be addressed.

Levee vegetation. The Corps has always had a national standard for the size of vegetation allowed on certain Corps-funded levees, with the goal of preventing levee failure and allowing for ease of inspection. In 1995, the Corps established a variance in that standard to allow larger vegetation on levees within the three-state Seattle district. The Corps had proposed to eliminate that variance by September 2010. A variety of parties, including numerous federal agency staff, have provided feedback that a regional approach is needed that addresses safety but allows some flexibility in vegetation. The Corps' decision process is still ongoing.

The Partnership is collaborating on a process to develop that regional alternative. To date this has involved partners including the Corps, Ecology, Washington Department of Fish and Wildlife, US Fish & Wildlife Service, NMFS, and King County; other parties are welcome to participate. At the same time, the Partnership is working with the King County flood district and broader partners (e.g., California) to talk with the Corps headquarters regarding the decision-making process.

FEMA BiOp. FEMA is working to follow NOAA's guidance to move the NFIP into compliance with the BiOp, addressing seven separate elements outlined by NOAA, including an element regarding development standards. FEMA has outlined three options for compliance, and changed the deadline for compliance to September 2011. NMFS, FEMA, and the Partnership are sponsoring a workshop in early March for communities working on compliance to discuss major issues (e.g., current lack of a model ordinance, how to assess whether compliance is achieved and sustained, how do resource-limited governments address compliance).

Letter Regarding Draft Puget Sound Chinook Salmon Population Recovery Approach (PRA)

NMFS recently published a draft Puget Sound Chinook Salmon Population Recovery Approach (PRA) in the Federal Register. Joe Ryan expressed some concerns regarding the PRA and its impact on the current watershed-based approach to salmon recovery in Puget Sound. Joe asked Elizabeth Babcock to provide some more context and background for the PRA.

Elizabeth began by noting that the concept of Shared Strategy was that all populations are important, which meant the roles of individual populations in ESU recovery were never established on a technical basis. Instead, the TRT gave six viability criteria as guidance, including that all populations' status must improve from current conditions. While not abandoning that criteria, NMFS has felt the need for more guidance on how to prioritize resources, which lead to this PRA.

NMFS is still in the process of assessing how to apply the PRA, and expects to limit its use to Endangered Species Act (ESA) recovery-related decisions, not broader recovery goals. NMFS does not expect the PRA to affect other decision-making processes. NMFS recently used the PRA in its pending determination on a proposed harvest resource management plan. Elizabeth acknowledged that NMFS has not been open with the Recovery Council about this, but is now asking for comment by February 11.

Elizabeth asked for questions and comments from the Council.

- Several Council members applauded NMFS for taking a step towards prioritization, agreeing that prioritization is necessary and would help to guide investments. Council members questioned whether this prioritization approach reflects a problem with the delisting criteria.
- The majority of Council members thought NMFS should have asked the lead entities and the Council for their input much earlier in the process. The Recovery Council is the primary organization for coordinating implementation of the Recovery Plan, and thus should be part of the decision-making on any proposals to reexamine how to define and/or achieve recovery.
- Many thought that regardless of NMFS' intentions, the PRA will also guide others' actions, sense of priorities, and investment strategies, particularly among federal agencies. The Council has come to agreement on a funding allocation that supports all populations while more fully funding the work on others. The PRA should not make statements regarding that funding allocation. Furthermore, the PRA seems to suggest that it is possible to achieve delisting with less money, even though lack of investment and land-use regulations affecting habitat continue to be barriers to recovery.
- Application of the PRA only to hatcheries and harvest doesn't make sense in the light of H-integration.
- The PRA appears to ignore tribal treaty rights and NMFS's trust responsibilities. The tribes should be involved in this prioritization process. From a tribal perspective, "recovery" means having fish to harvest. ESA does not necessarily address that goal. Can we separate the concept of "delisting" – for which NOAA has legal responsibility under the ESA – from "recovery"?
- Members want to continue to share the common goal that all populations must improve from current condition. ("All for one and one for all.")
- Several Council members suggested that NMFS could have used more up-to-date data from the watersheds, and that there were some specific problems with the technical analysis and ranking. They will provide this specific input to NMFS.
- The PRA assigns populations to one of three tiers, with Tier 1 being the priority. Assigning some populations to Tiers 2 and 3 may have the unintended consequence of jeopardizing local governments' ability to secure funding and political support for the difficult land-use decisions required to improve and protect habitat. It is difficult to move all populations forward without pressing on habitat issues equally across the region.
- If the PRA has already been used to guide harvest management, then will any comments on the PRA have the unintended consequence of stalling harvest? Will the PRA need to be approved regardless?
- Will the PRA approach be used in the steelhead plan?
- The PRA could be improved by clear statements of its goals and purpose, including a statement that all populations need to move forward and that NMFS stands fully behind protection of salmon habitat. This could eliminate the chances that protection can be weakened in Tier 2 and Tier 3 communities.

- The PRA may help with identifying projects of regional significance as those that will help ESU recovery.
- Overall, members expressed support for requesting that NMFS bring this prioritization process to the Council, and for raising the issues summarized above to NMFS. David Troutt, Jean White, and Alan Chapman volunteered to review a draft letter. The revised draft will be emailed to the Council for review.

Proposed HPA Bill

Margen Carlson gave a brief presentation on a proposed bill to modify the Hydraulic Project Approval (HPA) process. WDFW has been soliciting input from key stakeholders; this feedback has varied widely, and is still being used to modify the bill's language. It has guided WDFW to abandon a provision which would clarify the agency's jurisdiction and authority. The bill has three major intents:

1. Improve protection for fish by implementing a permit classification based on risk to fish life, which should allow WDFW to focus more staff time on projects that pose more risk for fish life.
 2. Improve the mechanisms available to WDFW to catch and stop violations. This includes civil authority to allow WDFW to issue stop work notices, which would help to address some key problems.
 3. Institute a fee system, such that permit applicants support the program. The fee schedule would vary according to permit class type and some other factors. This fee is essential for the program's existence.
- Does this bill give WDFW authority to say "no" to a project?
 - WDFW will still be compelled to say "yes" to single-family docks and bulkheads. Ideally this bill will improve support for the HPA program, and enable WDFW to address such issues in the future.
 - How are Class II permits defined?
 - WDFW is currently working on templates of pilot Class II projects, which would include basic practices such as road maintenance or log hauling. The results of the pilots will inform rule-writing which will more formally define Class II projects.
 - Is it possible to make some changes to the stream restoration streamlining guidelines, to include a broader range of projects including lakeside and nearshore restoration projects?
 - WDFW is considering this issue.
 - What are the implications to habitat projects if the proposed fee structure does not pass?
 - WDFW would not have the staff to do project-by-project review or site visits, and their ability to protect habitat would be severely impacted.

Nominating Committee Report

Steve Tharinger asked the Nominating Committee to consider who should chair meetings while he is away, and whether any new Council members should be solicited. Nominating Committee members include Allison Butcher (representing businesses), Bob Myhr (watersheds), Hilary Franz (environmental community), Dave Herrera (tribes), Sara LaBorde (state), and Elizabeth Babcock (federal). The Nominating Committee recommends the following:

- Have vice-chairs chair meetings in Steve's absence.
- Thank Rob Masonis, who left the Council, for his service. Since the Council has strong environmental community representation already, the committee felt it was not necessary to replace him.
- Seek representation from USFWS, Corps, and EPA, as well as one representative each from the business and agricultural communities. Any suggestions for these vacancies would be welcomed.

The Council made no comments on either proposal, so staff and chairs will move forward on these items.

Habitat Protection: SMP Updates

Peter Skowlund from Ecology gave an overview of the status of SMP updates. There are 116 shoreline jurisdictions in the Puget Sound that have to update their SMPs consistent with Ecology standards. Currently 18 have been submitted and approved, with about 10 at Ecology for review. That leaves 88 jurisdictions, many very large and influential, that have yet to update their SMPs.

Ecology's staff resources for this program are currently very limited. For example, Ecology recently lost their enforcement staffer, and is now open to new ideas about how to address violations of existing SMP programs. The Associations of Washington Counties and Cities have proposed legislation by which SMPs would be automatically approved if Ecology takes no action within 180 days of submittal. This would be a significant issue from Ecology's perspective as they typically require changes of submitted SMPs.

A number of jurisdictions have requested assistance in the form of testimony at public hearings (e.g., Island, Kitsap, Pierce, San Juan, and Thurston counties, and the cities of Port Angeles and Black Diamond). The Council discussed approaches for members to provide assistance to jurisdictions currently in the process:

- Staff could distribute the dates of upcoming hearings via email, and additionally could coordinate Council member attendance to ensure diverse representation and adequate attendance at hearings in each region.
- Staff could create talking points, which include specific connections between the Recovery Plan and SMPs.
- The Council could send a letter on each in-process SMP.
- Members could utilize list-servs of conservation groups to encourage them to attend hearings.
- Note that WDFW Watershed Stewards currently send a letter and packet of information to jurisdictions going through SMP updates. Jurisdictions can then contact WDFW and ask for technical assistance. WDFW reviews the initial environmental assessment for inclusion of salmon recovery considerations.

Puget Sound Partnership staff is available to assist with notifying Council members of important hearing dates and developing talking points.

Proposed Elimination of the Salmon Recovery Funding Board

David Troutt discussed the proposal from the Governor to eliminate the SRFBoard. He described its unique function to support communities' involvement in salmon recovery in a mode free of political influence and argued that its functions cannot be continued within a state agency. Eliminating SRFBoard only saves \$60,000.

Members noted that the SRFBoard process is familiar and thus ensures consistency to local applicants, and that it provides some validity to the allocation of federal funds to the Puget Sound region.

There was some agreement that the SRFBoard process should be streamlined, but that that should be discussed at a later time in order to focus the message on protecting SRFBoard.

Members agreed that the Council should write a letter expressing support for retaining the SRFBoard.

PSAR and Other Funding Update

John Meyer described how the Partnership had initially asked for \$55 million in PSAR funds, but that the Governor's budget includes \$15 million for PSAR. Staff are maintaining the list that totals \$55 million, to demonstrate that need, and are also working on an abbreviated list that will meet the \$15 million limit. In addition, watersheds have turned in their list of projects of regional significance. The RITT is looking at this list, and staff will have more information for the Recovery Council to review in March.

Director's Report

Joe Ryan welcomed Scott Williamson, who will be joining as an Ecosystem Recovery Coordinator, and said goodbye to Laila Parker, who will be moving to the East Coast.

Wrap up and Adjourn

Subsequent meetings will be as follows. All meetings begin at 10 AM unless otherwise specified:

- March 24 at the Tukwila Community Center
- May 26 at Edmonds City Hall
- July 28 at Edmonds City Hall
- September 22 at Edmonds City Hall
- December 1 at Edmonds City Hall